IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

DEFENSE DISTRIBUTED and SECOND AMENDMENT FOUNDATION, INC.

Plaintiffs,

v.

GURBIR S. GREWAL, IN HIS OFFICIAL CAPACITY AS ATTORNEY General of New Jersey, et al.,

Defendants.

Civil Action No. 1:18-CV-00637-RP

OPPOSED MOTION TO EXTEND TIME TO RESPOND TO PLAINTIFFS' MOTION_ FOR A PRELIMINARY INJUNCTION_

Defendant Gurbir Grewal, in his official capacity as the State of New Jersey's Attorney General ("Defendant"), by and through his attorneys of record, hereby submits this opposed motion respectfully requesting this Court extend the time for Defendant to respond to Plaintiffs' Motion for a Preliminary Injunction (Dkt. No. 67), and shows as follows:

- 1. On November 9, 2018, Plaintiffs filed an Emergency Motion for a Temporary Restraining Order and Preliminary Injunction (Dkt. No. 52) requesting that the Court (1) issue a temporary restraining order against New Jersey's enforcement of Section 3(l)(2); (2) set an expedited preliminary injunction briefing schedule; and (3) hold a hearing as soon as possible.
- 2. On November 13, 2018, the Court issued an order abstaining from reviewing Plaintiffs' request for a restraining order and preliminary injunction "until the New Jersey courts have been 'afforded a reasonable opportunity to pass upon'" Section 3(l)(2). (Dkt. No. 52).
- 3. On November 21, 2018, Defendant Matthew Denn, in his official capacity as the State of Delaware's Attorney General and Defendant Gurbir Grewal, in his official capacity as the State of New Jersey's Attorney General filed their motion to dismiss Plaintiffs' First Amended

Complaint. (Dkt. No. 57). On November 29, 2018, Plaintiffs filed an unopposed motion for extension of time to respond to Defendants' motion to dismiss. (Dkt. No. 61). On November 30, 2018, Defendants filed an unopposed motion for extension of time to reply to Plaintiffs' response to their motion to dismiss, requesting December 21, 2018 as the deadline for Defendants' to file their reply. (Dkt. No. 63).

- 4. On December 4, 2018, Plaintiffs filed a second Motion for Temporary Restraining Order (Dkt. No. 66), as well as a separate Motion for Preliminary Injunction (Dkt. No. 67), requesting the Court enjoin Defendant from enforcing Section 3(*l*)(2) of Senate Bill 2465 against the Plaintiffs and from using cease and desist letters and other civil legal actions to stop the Plaintiffs' publication of digital firearms information. According to the Local Rules, Defendants' response to the Motion for Preliminary Injunction is due on December 11, 2018.
- 5. On December 6, 2018, the Court issued an order again denying Plaintiffs' request for a temporary restraining order "for the same reasons given in its prior order." (Dkt. No. 69). In particular, the Court stated that this case was the type of case that was "almost universally recognized as appropriate for abstention[:] . . . a state statute, not yet construed by the state courts, which is susceptible of one construction that would render it free from federal constitutional objection and another that would not." *Id*.
- 6. On December 6, 2018, the Court also granted Defendants' request to extend the deadline for their reply to Plaintiffs' response to Defendants' motion to dismiss to December 21, 2018.
- 7. On December 10, 2018, Defendants' counsel conferred with Plaintiffs' counsel seeking an agreement on an extension for Defendants to respond to the Motion for Preliminary Injunction from December 11, 2018 to January 11, 2019. Plaintiffs' counsel would not agree with

this requested extension, or any other requested extension, unless Defendant voluntarily agreed to

the temporary restraining order that this Court had already denied.

8. Defendant seeks this extension for the following reasons:

a. the upcoming holidays and related vacation schedules for Defendants' counsel;

b. the current December 21, 2018 deadline for Defendants' to reply to Plaintiffs'

December 12, 2018 response to Defendants' motion to dismiss; and

c. the length (28 pages), complexity and number of substantive issues raised in

Plaintiffs' Motion for Preliminary Injunction.

9. The purpose of this opposed request for extension of time to answer Plaintiffs'

Motion is not for delay, but rather to serve the interests of justice by allowing Defendants sufficient

time to fully respond to the arguments raised in Plaintiffs' Motion for Preliminary Injunction and

Plaintiffs will not be prejudiced by a short extension on a motion which essentially restates the

same grounds for a preliminary injunction that were previously denied by this Court on November

13, 2018. (Dkt. No. 52).

NOW THEREFORE the Parties, by and through their counsel of record, respectfully

request that the deadline for Defendant Gurbir Grewal, in his official capacity as the State of New

Jersey's Attorney General to respond to Plaintiffs' Motion for a Preliminary Injunction (Dkt. No.

67) be extended from December 11, 2018 to January 11, 2019.

DATED: December 10, 2018.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP

By: /s/ Casey Low

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ATTORNEY FOR DEFENDANTS

GURBIR GREWAL, in his official capacity as the State of New Jersey's Attorney General and MATTHEW DENN, in his official capacity as the State of Delaware's Attorney General

VERIFICATION

I hereby affirm that the allegations made by Defendant Gurbir Grewal, in his official capacity as the State of New Jersey's Attorney General are true and correct and represent the basis for the requested extension of time.

/s/ Casey Low
Casey Low

CERTIFICATE OF SERVICE

I hereby certify that on December 10, 2018, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Casey Low
Casey Low

CERTIFICATE OF CONFERENCE

I hereby certify that on December 10, 2018, counsel for Defendant Gurbir Grewal, in his official capacity as the State of New Jersey's Attorney General conferred with counsel for Plaintiffs regarding this request for motion. Plaintiffs are opposed to this motion.

/s/ Casey Low
Casey Low